

Serial No. 09/863,135

HRT0241

**REMARKS**

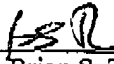
Claims 6-12, 15-17 and 20 remain in this application. Claims 1, 3-5, 13 and 14 are cancelled. Claims 17 and 20 are amended to include the limitations of claim 1, from which they depended. Claim 8 has been indicated as allowable.

The Examiner rejected claims 1, 3-7, 9-17 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 9-18 of U.S. Patent No. 5,807,318. Applicants submit a terminal disclaimer for the above patent to obviate the rejection, and request the Examiner to withdraw the rejection.

The Examiner rejected claims 1, 5, 13 and 14 under 35 USC § 103(a) as being unpatentable over Wright (U.S. Patent No. 5,135,484) and rejected claims 1, 3-5, 13 and 14 as being unpatentable over Schjeldahl (U.S. Patent No. 4,456,000). To advance prosecution, Applicants have cancelled claims 1, 3-5, 13 and 14, without prejudice to pursuing the same or similar claims in a continuing application, thereby mooting the rejections.

Applicants submit that no additional fee is due. The Commissioner is granted permission to charge any required fee to Applicants' Deposit Account No. 10-0750/HRT0241/BST. Applicants respectfully request that the Examiner contact the undersigned in the event a discussion would advance the prosecution of this application.

Respectfully submitted,

By:   
Brian S. Tomko  
Reg. No. 41,349

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239  
(732) 524-5575 (fax)  
Dated: June 25, 2004